



501.22642CC9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: FUJISAKI et al

Serial No.: 10/624,612

Filed: July 23, 2003

For: III-V Single Crystal As Well As Method For Producing
The Same, And Semiconductor Device Utilizing III-V
Single Crystal

Art Unit: 2811

Examiner: S. Crane

TERMINAL DISCLAIMER

Mail Stop: Amendment (Fee)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 9, 2003

Sir:

The undersigned, Alan E. Schiavelli, as attorney of record, states as follows:

Hitachi, Ltd., having a principal place of business at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo 101, Japan, is the owner of the entire right, title and interest in and to the subject application by virtue of the assignment recorded March 17, 1989 at reel 5169, frame 381.


Hitachi, Ltd. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration of the full statutory term (as set forth in 35 U.S.C. 154) of any patent issuing on Serial No. 09/911,481, and hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing on Serial No. 09/911,481, this

agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 USC 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

HITACHI, LTD.

9/9/03
Date


By: Alan E. Schiavelli
Registration No. 32,087
Attorney of Record



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**STATEMENT OF SUBSTANCE OF INTERVIEW
AND SUBMISSION OF TERMINAL DISCLAIMER**

Mail Stop: Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 9, 2003

Sir:

The following statement of the substance of a personal interview conducted between the Examiner and the undersigned on August 12, 2003.

During the interview, claims 1 - 4 of the subject application were discussed. It was agreed that claims 1 - 4 were supported by the original disclosure, including, for example, the disclosure at page 8, lines 14 - 22 of applicants' specification.

During the interview, the Examiner indicated there may be an issue with respect to whether an obviousness-type double patenting rejection is proper over recently allowed parent application Serial No. 09/911,841. It was agreed that the filing of a terminal disclaimer would expedite prosecution of the subject application.

While not admitting the propriety of any potential obviousness-type double patenting rejection and in order to expedite prosecution of the subject application,

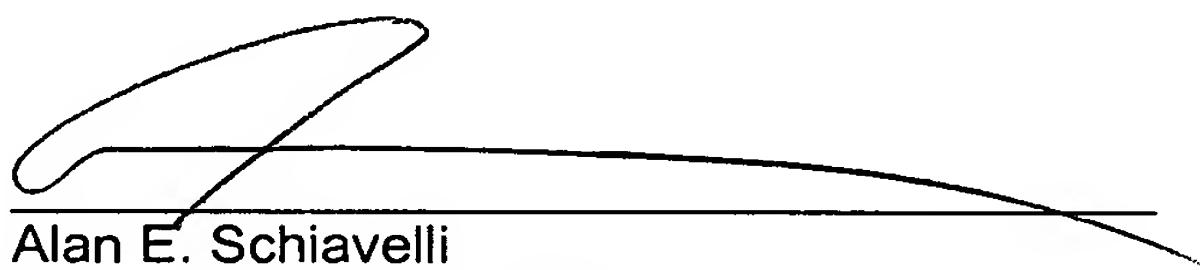
applicants are submitting herewith a properly executed terminal disclaimer disclaiming the terminal portion of any patent issuing on the subject application which would extend beyond the term of any patent issuing on copending application Serial No. 09/911,841.

Early and favorable examination of the subject application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.22642CC9), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Alan E. Schiavelli', is written over a horizontal line.

Alan E. Schiavelli
Registration No. 32,087

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Attachment